

3710. Misbranding of sulfadiazine tablets, Ergoapiol with savin capsules, and methyltestosterone linguets. U. S. v. Harmon S. Cover (Wiechelman Drugs), and Joseph Ralenkotter. Pleas of guilty. Harmon S. Cover fined \$75 and Joseph Ralenkotter fined \$25. (F. D. C. No. 32739. Sample Nos. 84690-K, 84929-K, 84957-K.)

INFORMATION FILED: February 28, 1952, Eastern District of Kentucky, against Harmon S. Cover, trading as Wiechelman Drugs at Covington, Ky., and Joseph Ralenkotter, a pharmacist for Wiechelman Drugs.

INTERSTATE SHIPMENT: Prior to the date of the sales referred to below, quantities of *sulfadiazine tablets*, *Ergoapiol with savin capsules*, and *methyltestosterone linguets* were shipped in interstate commerce into the State of Kentucky.

ALLEGED VIOLATION: On or about August 3, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused a number of capsules of *Ergoapiol with savin* to be sold and dispensed to a purchaser in the original box in which the capsules had been shipped in interstate commerce, without the prescription of a physician; and on or about December 8 and 14, 1950, the defendants repacked various quantities of *sulfadiazine tablets* and *methyltestosterone linguets* and sold the repackaged drugs without prescriptions, which acts of the defendants resulted in the drugs being misbranded.

Harmon S. Cover was charged with causing the violations involved in all counts, and Joseph Ralenkotter was joined in one count of the information and charged with the violation involved in that count.

NATURE OF CHARGE: *Ergoapiol with savin capsules*. Misbranding, Section 502 (f) (1), the labeling of the drug bore no directions for use. (The box in which the capsules were shipped in interstate commerce bore no directions for use since it was exempted from such requirement by the statement on the label "Caution: To be dispensed only by or on the prescription of a physician." The act of the defendants in dispensing the drug without a physician's prescription caused the exemption to expire.)

Sulfadiazine tablets and *methyltestosterone linguets*. Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and accurate statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Sulfadiazine tablets. Misbranding, Section 502 (e) (1), the drug failed to bear a label containing the common or usual name of the drug; and, Section 502 (f) (2), the labeling failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: March 10, 1952. Pleas of guilty having been entered, the court fined Harmon S. Cover \$75 and Joseph Ralenkotter \$25.

DRUGS ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

3711. Adulteration of passion flower herb and gelsemium root. U. S. v. 32 Bales, etc. (F. D. C. No. 32854. Sample Nos. 12096-L, 12097-L.)

LABEL FILED: March 7, 1952, Southern District of Indiana.